

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

CIVIL NO. 5:98CV92

JAMES R. BARNES, and wife)
DOROTHY G. BARNES; GRADY H.)
BEARD, and wife SUZY M. BEARD;)
WAYNE BEHELER; JAMES L. COBB,)
and wife REBEKAH COBB;)
BARNEY MERRILL GRANT, and wife)
HAZEL GRANT; E. F. GREENE, JR.;)
BENJAMIN G. GROGAN, and wife)
HELEN D. GROGAN; JOEANN S.)
HANCOCK, Individually and as)
Representative of the Estate of)
Marion Hancock, Deceased; JERRY)
LEE HEWELL, and wife JANICE)
HEWELL; BETTY S. HONGISTO,)
Executrix of the Estate of Iver Oscar)
Hongisto, Deceased; VIRGINIA F.)
HORNE, Individually and as)
Executrix of the Estate of Jimmy R.)
Horne, Sr., Deceased; WILLIAM D.)
JOYCE, and wife PATSY F. JOYCE;)
ROBERT L. MAUNNEY, and wife)
TERESA MAUNNEY; ROGER D.)
PHILLIPS; GERALD W. RICHARDS,)
and wife SUSAN H. RICHARDS;)
LARRY K. BROOME, and wife,)
TREVA E. BROOME; ROGER D.)
CHURCH, and wife LORETTA H.)
CHURCH; SHARON C. COBB,)
Executrix of the Estate of Orvil L.)
Cupp, Deceased; ALTON L. HUGHES,)
and wife LENA M. HUGHES;)
CHARLES M. McGINNIS, and wife)

AVA P. McGINNIS; and CURTIS H.)
CUTHBERTSON, Administrator of the)
Estate of Hoy v. Cuthbertson,)
Deceased,)
)
Plaintiffs,)
)
Vs.)
)
A. W. CHESTERTON, INC.; CLEAVER)
BROOKS; CROWN CORK & SEAL)
COMPANY, INC.; GARLOCK, INC.;)
GEORGIA-PACIFIC CORPORATION;)
MINNESOTA MINING AND)
MANUFACTURING COMPANY,)
INC.; NORTH BROTHERS, INC.;)
OWENS-ILLINOIS, INC.; RAPID)
AMERICAN CORPORATION; RILEY)
STOKER CORPORATION; and)
CBS CORP.,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court on receipt of the parties' responses to the Court's December 15, 2006, Order and the joint motion of Plaintiffs and Defendant Foster Wheeler Corporation to dismiss.

Plaintiffs' counsel advises that settlement funds from the Defendants CertainTeed Corporation, Flintkote Company, General Electric Company, and Metropolitan Life Insurance Company have been received and this

matter may be dismissed with prejudice as to those Defendants.

Additionally, the entity known as the Asbestos Claims Management Corporation is now under bankruptcy protection; therefore, this matter will be closed administratively as to that Defendant.

IT IS, THEREFORE, ORDERED that all of the Plaintiffs' claims as to the Defendants CertainTeed Corporation, Flintkote Company, General Electric Company, and Metropolitan Life Insurance Company are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the joint motion to dismiss Plaintiffs' claims filed by the Defendant Foster Wheeler Corporation is **ALLOWED**, and all claims of the Plaintiffs herein as to Defendant Foster Wheeler Corporation are hereby **DISMISSED WITH PREJUDICE**. The case caption is hereby amended on this Order to reflect the disposal of these claims.

IT IS FURTHER ORDERED that this matter is hereby **STAYED** as to the Defendant Asbestos Claims Management Corporation only pending completion of bankruptcy proceedings, and the Clerk is directed to close this case as to that Defendant as outlined in Volume XI, Chapter V of the *Guide to Judiciary Policies and Procedures*.

Signed: January 12, 2007



Lacy H. Thornburg
United States District Judge

